



ITW

Docket No: NEU-5008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Christopher Marrs Confirmation No.: 8032
Serial No. : 10/645,791 Art Unit: 1616
Filed : August 21, 2003 Examiner: Marina Lamm
For : Stabilized Compositions Containing an Oxygen-
Labile Active Agent and a Fungal Extract

I hereby certify that this correspondence is being deposited with the
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January 20, 2006
(Date of Deposit)

William E. McGowan, Reg. No. 39,301
(Name of applicant, assignee, or Registered Representative)

/William E. McGowan/
(Signature)

January 20, 2006
(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this

information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☐ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☒ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☒ Please charge Deposit Account No. 10-0750/NEU-5008/WEM the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a) (2).

☒ There are no listed references which are not in the English language.

☐ The relevance of those listed references which are not in the English language is as follows:

☒ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to
Deposit Account No. 10-0750/NEU5008/WEM. This form is
submitted in triplicate.

Respectfully submitted,

/William E. McGowan/
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DATED: January 20, 2006



PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

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Confirmation Number	8032
Application Number	10/645,791
Filing Date	08/21/2003
First Named Inventor	Christopher Marrs
Group Art Unit	1616
Examiner Name	Marina Lamm
Attorney Docket Number	NEU-5008

U.S. PATENT DOCUMENTS

Exam Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		4,146,615	A	Fauran et al.	03-27-1979	
		5,455,033	A	Silverman et al.	10-03-1995	
		6,039,955	A	Sinnott et al.	03-21-2000	
		6,440,465	B1	Meisner	08-27-2002	
		6,468,552	B1	Stahl et al.	10-22-2002	
		2002/0054924	A1	Leahy et al.	05-09-2002	
		2003/0108627	A1	Selzer et al.	06-12-2003	
		2003/0152656	A1	Pinnell et al.	08-14-2003	

FOREIGN PATENT DOCUMENTS

Exam Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵				
		WO	02/076433	A1	CS Bioscience, Inc.	10-03-2002		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Exam Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		VON GADOW ET AL., "Comparison of the Antioxidant Activity of Aspalathin with That of Other Plant Phenols of Rooibos Tea (<i>Aspalatus linearis</i>), α -Tocopherol, BHT, and BHA", <i>Journal of Agricultural and Food Chemistry</i> , Vol. 45, No. 3 (1997) pp 632-638, Washington, D.C., US (XP000683366).	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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SUBMISSION UNDER MPEP 609 D

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		Partial European Search Report dated October 5, 2005, for corresponding EP application 04255051.7.	

Examiner Signature	Date Considered
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